

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:20CR323-1
	:	
CHIRONG YIN BILLINGS,	:	
also known as Chirong Cummings	:	

FACTUAL BASIS

NOW COME the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11(b)(3), Fed. R. Crim. P., states as follows:

Chirong Yin Billings, also known as Chirong Cummings (“Cummings”), was born on January 14, 19XX in Fuzhou, Fujian, China and is a citizen of the People’s Republic of China. On May 22, 2005, Cummings entered the United States at Los Angeles, California on a K-1 visa as a non-immigrant fiancée of her then fiancée, who was a United States citizen. On July 20, 2005, following Cummings’ marriage to her then-spouse, who was a United States citizen, Cummings filed with the United States Immigration and Naturalization Service (“INS”) an Application to Register Permanent Resident or Adjust Status (Form I-485), based on her marriage to a United States citizen. INS approved her Form I-485 application on March 20, 2006. Subsequently, on

October 1, 2009, Cummings submitted a Form I-751 petition to INS to remove the conditions on her residency. INS approved her petition and Cummings then had immigration status as a legal permanent resident. Her alien file reference number is XXX 321 803.

Cummings has never applied for nor petitioned for United States citizenship. Cummings knew she was not a United States citizen at all relevant times. Cummings, in fact, is not and never has been a United States citizen.

On November 5, 2016, in Guilford County, North Carolina, Cummings executed and submitted a voter registration form titled “North Carolina Voter Registration Application.” In box 1, the form states, “Are you a citizen of the United States of America?” The box is checked “yes” indicating that Cummings is a citizen of the United States. The attestation above the signature line at the bottom of the form states “I attest, under penalty of perjury, that in addition to having read and understood the contents of this form, that: I am a United States citizen, as indicated above” (emphasis in original). Cummings signed the form, so attesting.

On November 5, 2016, in Guilford County, North Carolina, Cummings voted in the November 2016 election at a so-called “Early Voting” site. The November 2016 election was held for the purpose of electing a candidate for the office of President, Vice President, Member of the United States Senate,

and Member of the United States House of Representatives, among other positions on the ballot.

On or about March 4, 2017, Cummings acknowledged on a form sent to the North Carolina Board of Elections that she is not a citizen of the United States.

On February 13, 2019, Cummings acknowledged to Department of Homeland Security agents during a voluntary, non-custodial interview at her home that she was a citizen and national of the People's Republic of China, that she registered to vote by submitting the North Carolina Voter Registration Application described above, and that she voted in the November 2016 election.

This the 29th day of September, 2020.

Respectfully submitted,

/S/ MATTHEW G.T. MARTIN
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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Bruce A. Lee, Esquire

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